

**CALENDAR ITEM
C02**

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08/19/15
PRC 3695.1
M.J. Columbus

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Dume View, LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4570 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier with boat slip, boat lift and two mooring buoys previously authorized by the Commission and an existing boat hoist, and sundeck with stairs not previously authorized by the Commission.

LEASE TERM:

10 years, beginning August 19, 2015.

CONSIDERATION:

\$2,522 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. If Lessee does not have a valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.
2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

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3. The lease contains provisions stating that the existing sundeck with stairs, as shown on the attached Exhibit B, cannot be expanded, and if repairs to any portion of the existing sundeck cost more than 50 percent of the base value of the sundeck, then the sundeck with stairs must be removed from the lease premises.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On December 8, 2005, the Commission authorized a 10-year Recreational Pier Lease to Linda L. Kelly. That lease expired on May 22, 2015. On August 27, 2014, the upland parcel was deeded to Dume View, LLC, a California Limited Liability Company. The Applicant is now applying for a General Lease – Recreational Use.
3. The sundeck with stairs and the boat hoist in the boat slip have been in Lake Tahoe for many years, but were not previously authorized by the Commission. The sundeck with stairs does not interfere with the public's trust needs at this location and time and for the foreseeable term of the proposed lease. As such, staff recommends including the Applicant's sundeck with stairs and boat hoist as authorized improvements under the lease.
4. Staff is recommending that the Commission accept the amount of \$1,956 for the period beginning August 27, 2014, and ending August 18, 2015, for the Applicant's unauthorized occupation of state land.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and

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through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize acceptance of compensation in the amount of \$1,956 for unauthorized occupation of state land between August 27, 2014, and August 18, 2015.
2. Authorize issuance of a General Lease – Recreational Use to Dume View, LLC, a California Limited Liability Company, beginning August 19, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier with boat slip, boat lift, and two mooring buoys previously authorized by the Commission and an existing boat hoist and sundeck with stairs not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$2,522 with an annual Consumer Price Index adjustment; and liability insurance with coverage in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3695.1

LAND DESCRIPTION

Three parcels of submerged lands situate in the bed of Lake Tahoe, lying adjacent to fractional Section 21, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier with a boat slip and a boat hoist, boat lift and sun deck with stairs lying adjacent to that parcel described in Grant Deed recorded August 27, 2014 as Document Number 2014-0058852-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCELS 2 & 3 – BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded August 27, 2014 as Document Number 2014-0058852-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 07/10/2015 by the California State Lands Commission Boundary Unit.



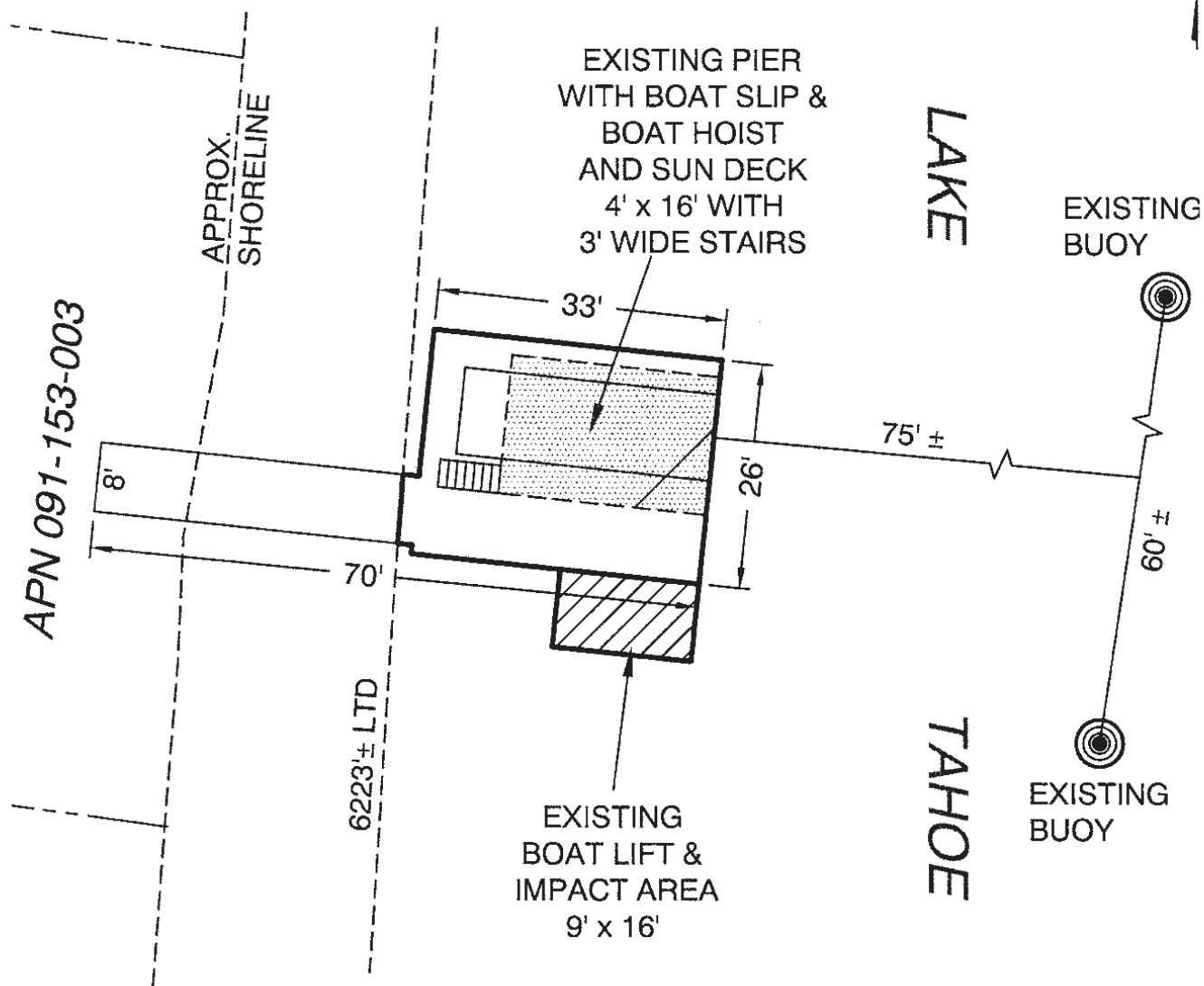


EXHIBIT A

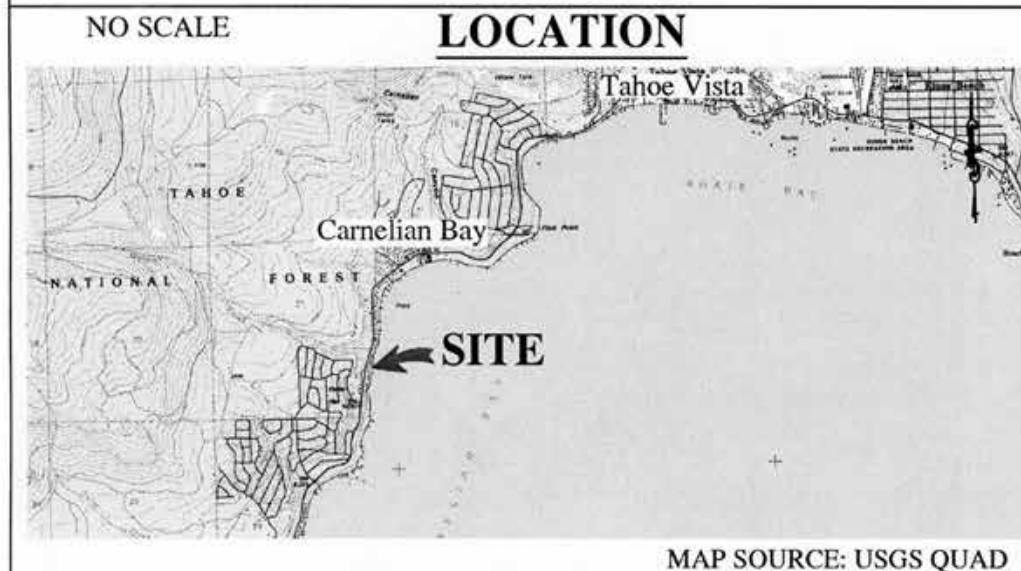
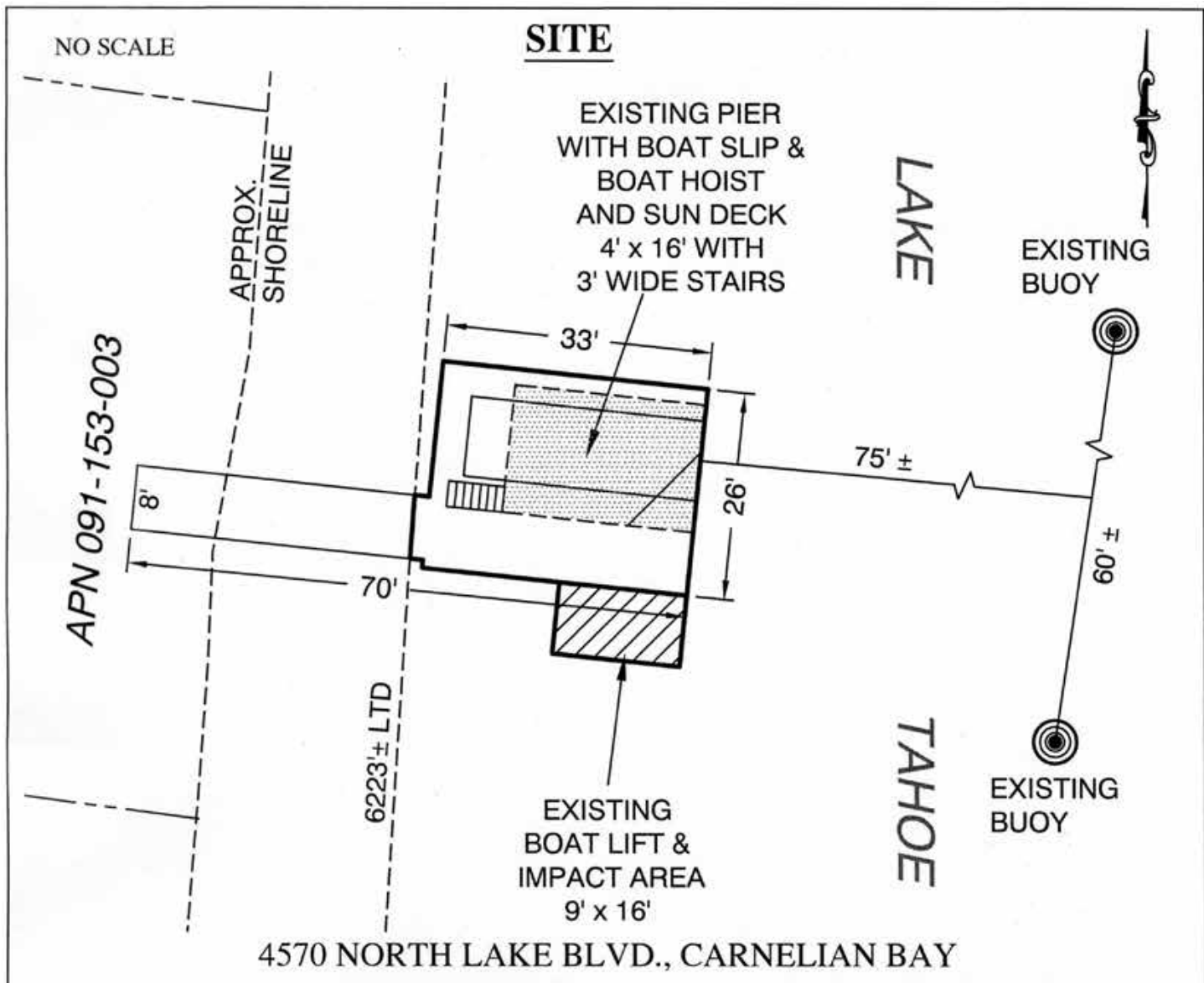
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LAND DESCRIPTION PLAT
PRC 3695.1, DUME VIEW, LLC
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION





This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.